

Customer No.: 31561
Application No: 10/605,682
Docket NO.: 9507-US-PA

REMARKS

Present Status of the Application

This is a full and timely response to the outstanding non-final Office Action mailed on March 29, 2004. The Office Action has rejected claims 1-19 under 35 U.S.C. 102(e) as being anticipated by Ochiai et al. (US-2003/0025857) and under 35 U.S.C.103(a) as being unpatentable over Ochiai et al. (US-2003/0025857) in view of Ono et al (US-2002/0101557).

Claims 1-19 remain pending of which claims 1-6, 9 have been canceled and claims 7 and 14 have been amended to more accurately describe the invention. It is believed that no new matter is added by way of these amendments made to the claims or otherwise to the application.

After carefully considering the remarks set forth in this Office Action and the cited references, Applicants respectfully submitted that the presently pending claims are in condition for allowance. Reconsideration and withdrawal of the Examiner's rejection are requested.

Discussion of Office Action Rejections

I. The Office Action rejected claims 1-3, 5-7, 10, 12-16, 18 and 19 under 35 U.S.C. §102(e) as being anticipated by Ochiai et al. (US-2003/0025857).

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In order to properly anticipate Applicants' claimed invention under 35 U.S.C. § 102, each and every element of the claim in issue must be found, "either expressly or inherently described, in a single prior art reference." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Since claims 1-6 have been cancelled, we will focus our discussion on independent claims 7 and 14. Amended claim 7 of the present invention teaches, among other things, "a first substrate having ... a plurality of pixel electrodes over parts of the color filter layer; a dielectric layer over the color filter layer covering the pixel electrodes; a plurality of common electrode over parts of the color filter layer, wherein the common electrodes and the pixel electrodes are alternately positioned, and the pixel electrodes, the common electrodes and the dielectric layer together form a plurality of pixel storage capacitors;.".

Ochiai does not teach the common electrodes and the pixel electrodes are alternately positioned. Further, Ochiai does not teach that the pixel electrodes, the common electrodes and the dielectric layer together form a plurality of pixel storage capacitors. Therefore, Ochiai does not anticipate amended claim 7.

Amended claim 14 recites "... forming a plurality of pixel electrodes and a plurality of common electrodes over the color filter layer, wherein the pixel electrodes and the common electrodes are alternatively positioned; forming a dielectric layer between the pixel

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electrodes and the common electrodes, and covering the pixel electrodes;...". For the same reason as amended claim 7, Ochiai does not anticipate amended claim 14.

II. The Office Action rejected claims 8 and 9 under 35 U.S.C. §103(a) as being unpatentable over Ochiai et al. (US-2003/0025857, Ochiai hereinafter).

Further, to establish a prima facie case of obviousness under 35 U.S.C. § 103(a), the reference or references, taken alone or combined, must teach or suggest each and every element recited in the claims. See M.P.E.P. § 2143, 8th., February 2003.

Claim 9 has been cancelled. Therefore, rejection on claim 9 no longer exists. However, amended claim 7 has the same scope as claim 9. To prevent possible rejection on amended claim 7 under 35 U.S.C. 103(a) over Ochiai in the future, the following explanations are presented.

As shown in Figure 12 of Ochiai, wherein Figure 12 is a cross-sectional view of Figure 11, the color filter layer (FIL) is formed on substrate 2 (SUB2), instead of substrate 1 (array substrate; SUB1). Therefore, FIG. 11 is not a COA (color filter on array) structure. In contrast, FIG. 1 of Ochiai is a COA structure, in which the color filter (FIL) is formed on the array substrate (SUB1). Therefore, the combination of FIGs. 1 and 11 of Ochiai is not appropriate. Amended claim 7 (claim 9) is patentable over Ochiai.

For at least these reasons, Applicant respectfully asserts that Ochiai fails to teach or suggest the present invention or to render claims 7 and 14 unpatentable. Since claims 8,

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10-13 and 15-19 are dependent claims, which further define the invention recited in claims 7 and 14, respectively, Applicants respectfully assert that these claims also are in condition for allowance. Thus, reconsideration and withdrawal of this rejection are respectively requested.

III. The Office Action rejected claims 4, 11 and 17 under 35 U.S.C. § 103(a) as being unpatentable over Ochiai et al. (US-2003/0025857, Ochiai hereinafter) in view of Ono et al. (US-2002/0101557, Ono hereinafter).

With regard to the rejections of claims *by Ochiai in view of Ono*, Applicant respectfully submits that these claims patentably define over the prior art for at least the same reasons as independent claims 7 and 14 discussed above.

Ono, similar to *Ochiai*, at least fails to teach or suggest the common electrodes and the pixel electrodes are alternately positioned, and the pixel electrodes, the common electrodes and the dielectric layer together form a plurality of pixel storage capacitors. Therefore, even *Ochiai* is combined with *Ono*, the combination still fails to teach or suggest each element of the claimed invention.

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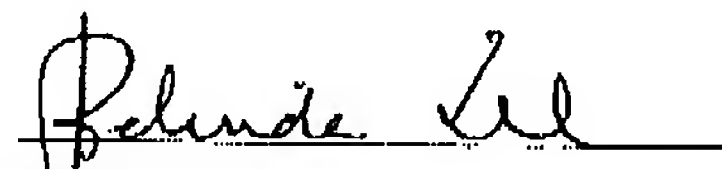
CONCLUSION

For at least the foregoing reasons, it is believed that the presently pending claims 7-8, 10-19 are in proper condition for allowance. If the Examiner believes that a telephone conference would expedite the examination of the above-identified patent application, the Examiner is invited to call the undersigned.

Respectfully submitted,

Date :

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